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Law Office of
Jane Ryan Koler, P.L.L.C.

SUPERIOR COURT OF THE STATE OF WASHINGTON FOR KITSAP COUNTY

CITY OF BREMERTON, a municipal corporation,)

Plaintiff,)

vs.)

WILLIAM J. SESKO and NATACHA SESKO,
husband and wife, and their marital community,)

Defendants)

Case No.: No. 97-2-01749-3

DECLARATION OF WILLIAM J. SESKO

1. I, William J. Sesko, hereby declare under the penalty of perjury of the laws of the State of Washington as follows:

2. I am over the age of 18 years, competent to testify, and make this declaration based On my own knowledge and belief.

3. Minutes of January 21, 03 hearing to enforce judgement sets matter for February 21st at 1:30pm and states "Mr. Sesko will have until then, to remove whatever items he needs to remove to comply with prior order (paragraph #3)".

There is nothing that directs us to apply for a sit plan review or any other permit.

4. The court of appeals decision on this matter states "The orders for injunctive relief do not prevent uses for business purposes, they only require the removal of the junk on the sites".

5. Research, development and non-accessory parking is a use allowed outright as a principal use in our business park zone.

DECLARATION OF WILLIAM J. SESKO.

1 Bremerton Municipal Code section 21.02.930 Site Plan Review, (1).

2 "A technical site plan review shall be conducted for all projects that involve new
3 development or expansion of existing structures or other exterior improvements that will
4 change the physical condition of the site." We are just using our existing storage yard as
5 Zoning permits. Nothing changes the physical condition of the site.

6 6. Under Shoreline Master Program City of Bremerton, development activity that
7 requires a permit must exceed \$2,500 or interferes with public use of the water or
8 shoreline. See page 7-1, page 8-6. Page 7-7 states "A decision of the Planning
9 Commission may be appealed to the City Council." And "The decision of the City
10 Council may be appealed to the Shorelines hearings Board, as provided in RCW
11 90.58.180."

12 We were denied these appeals.

13 7. A functional review by the City Council and perhaps the Shore Line Hearing Board
14 as provided in RCW 90.58.180 would have set a record for productive use of our
15 property.

16 8. Exhibit 1 is a picture by the City April 17th 95, the lower picture page 27 by the
17 City February 20th 2003 shows the same view of our property. Most of the items shown
18 in Exhibit 1 were removed by us before the City denied our appeal to the City Council.

19 9. We have tried to work with the City, but they don't follow their own rules.

20 10. Many of the items shown in the City's pictures of February 20th 2003 were left on
21 the property by the City's contractors last year. Two trailers, steel table and log sheer
22 shown in pictures were removed before February 21st 2003 hearing.

23 11. The junk along our west property line was thrown over from Penn Plaza Industrial
24 Park, We plan to take legal action against Penn Plaza, if they don't remove their stuff.
25 (Police Report B03-000660).

1
2 12. My frustration is similar to what the Wright Brothers might have experienced If
3 The material they collected to develop their airplane was declared Junk and they couldn't
4 find a place to develop their product. Our constitution guarantees security in personal
5 property.

6 13. If we let Zoning Officer throw out the baby with the bath water with no reasons
7 Or accountability what chance have we got to remain an industrial nation?

8
9 14. Unpublished Opinion between Kitsap County and us on November 15, 1990
10 No 12987-6-2 states what has to be removed are a judicial decision.

11 15. I have developed many products have patents and licensed production with
12 Royalty payments to us.

13 16 Steven Aird and Steven B.Madsen represented us in the past and have moved from
14 the area. It seems if you go against the local government, you have no future in the area.

15
16 17 We have used our Pennsylvania Avenue property for storage since 1990. First
17 Renting then buying the property. The Bremerton Sun newspaper parks their cars and
18 trucks on a lot away from their business site and the Bremerton License Division,
19 Ms. Paula Johnston said they do not require another Business License.

20 18 We rented the lower yard of Penn Plazas Industrial Park for storage, parking
21 And Development of Products for \$1000,00 per month from January 01, 2001 through
22 July 31, 2002. City of Bremerton required the removal of our personal property February
23 22, 2002. Penn Plaza's and other tenants stuff is still there and through out their site.
24 Some on property zoned residential.

25 19 There are six trucks, one car one trailer, four boats, stair ramp, fork lift and two
Small storage sheds parked on our Pennsylvania Avenue property that should be

1 Allowed, the stuff dumped over the wall from Penn Plaza will be removed. Hopefully
2 By the ones that dumped it. The plastic flowerpots are similar to the ones Penn Plazas
3 flowers came in, Penn Plaza manager said they would remove the safes they dumped
4 Over the wall.

5 20. Our property tax is \$23,714.68 this year. Please treat us fairly and let us earn a living.

6
7 21. Marriage of Nielsen Aug. 1984. 38 Wn. App. 586.687 P.2d 877

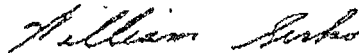
8 "Due Process, in the prosecution of contempt, except of that committed in open
9 court, requires that the accused should be advised of the charges and have a
10 reasonable opportunity to meet them by way of defense or explanation. We think
11 this includes the right to call witnesses to give testimony, relevant either to the issue
12 of complete exculpation or in extenuation of the offense and in mitigation of the
13 penalty to be imposed."

14 Your honor's order interpreted by the court of appeals February 2000, 100 Wn App 158,
15 does not give us a clear permitted use of our Pennsylvania Avenue property. Your honor
16 should tell us what you want and the opportunity to comply. We did not even get a
17 chance to mitigate the pictures presented.

18 22. The Laws your honor want us to follow should be as written by city, not just the
19 enforcement's point of view. Ambiguity in the laws should not allow discrimination in
20 use of our land.

21 I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE
22 OF WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT.

23 Dated this 27th day of February 2003 at Bremerton Washington.

24 

25 WILLIAM J. SESKO

DECLARATION OF WILLIAM J. SESKO.